

Prior Approval Report		Application number	2018/5958/P
Officer		Expiry date	
Charlotte Meynell		25/01/2019	
Application Address		Authorised Officer Signature	
3 West End Lane London NW6 4NU			
Conservation Area		Article 4	
None		No	
Proposal			
Change of use of ground floor from estate agents (Class A2) to residential (Class C3) comprising of 1 x 1 bed flat and associated alterations including replacement shopfront under the General Permitted Development Order 2015 Schedule 2, Part 3, Class M.			
Recommendation:	Prior Approval Required – Approval Given		
Application Type:	GPDO Prior Approval Class M Change of Use A1/A2 to C3		
Consultations:	Site notice erected 31/12/2018; expired 24/01/2019		
	No consultation responses received.		
Site Description			
<p>The application site comprises a three-storey mid-terrace building on the north-western side of West End Lane. The building comprises an estate agents (Class A2) at ground floor level, with residential accommodation (Class C3) on the upper floors. The application relates to the ground floor unit only.</p> <p>The host building is not listed and is not situated within a conservation area. There are no Article 4 Directions restricting change of use away from A2 at this site.</p>			
Relevant Policies			
<ul style="list-style-type: none"> • Class M, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 • National Planning Policy Framework (2018) <ul style="list-style-type: none"> ○ Chapter 9 (Promoting sustainable transport), paragraphs 102-109 ○ Chapter 15 (Conserving and enhancing the natural environment), paragraphs 178 and 179 			
Assessment			
1. Proposal			
1.1 The proposal seeks to change the use of the ground floor of the building from an estate agents (Class A2) to residential use (Class C3), to provide 1 self-contained residential unit.			
2. Procedure			

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 Class M (a) (i) allows for development consisting of a change of use of a building from a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

2.2 Class M (b) allows for building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

2.3 The change of use is subject to a number of conditions listed within sub-paragraph M.1 [(a)-(g)] and a subsequent condition in sub-paragraph M.2 relating to the need for the developer to apply to the local planning authority for a determination as to whether prior approval of the authority is required for:

- (a) transport and highways impacts of the development;*
- (b) contamination risks in relation to the building;*
- (c) flooding risks in relation to the building;*
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use –*
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or*
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and*
- (e) the design or external appearance of the building.*

2.4 Paragraph W sets out the procedure for applications for prior approval under Part 3. This application seeks to ascertain whether the proposed change of use would constitute permitted development and whether prior approval is required.

3. Assessment

3.1 Compliance with Paragraph M.1

3.2 Development is not permitted by Class M if –

- a) The building was not used for one of the uses referred to in Class M(a) –**
 - (i) On 20th March 2013, or**
 - (ii) In the case of a building which was in use before that date but was not in use on that date, when it was last in use;**

The proposal complies. At the time of the officer's site visit, the ground floor of the building was in Class A2 use (financial and professional services) as an estate agents.

- b) Permission to use the building for a use falling within Class A1 (retail) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;**

The proposal complies. Council records suggest that the unit has been in Class A2 (financial and professional services) use since at least 2004.

- c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;**

The proposal complies. The cumulative floor space of the existing building does not exceed 150 square metres; it would amount to approximately 48 square metres.

- d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;**

The proposal complies. No other part of the building has previously changed use under Class M and no other applications under Class M at the building are pending determination.

- e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

The proposal complies. The only proposed change to the external appearance of the application building is a change to the front fenestration design, and the replacement of the roof of the existing single storey rear extension, including the installation of 2 x rooflights. This would not alter the external dimensions of the building.

- f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or**

The proposal complies. The proposal does not involve any demolition works.

- g) The building is –**

- (i) on article 2(3) land;**

The proposal complies. The application site is not on article 2(3) land.

- (ii) in a site of special scientific interest;**

The proposal complies. The application site is not within a site of special scientific interest.

- (iii) in a safety hazard area;**

The proposal complies. The application site is not within a safety hazard area.

- (iv) in a military explosives storage area;**

The proposal complies. The application site is not within a military explosives storage area.

- (v) a listed building; or**

The proposal complies. The application building is not statutorily listed.

- (vi) a scheduled monument.**

The proposal complies. The application building is not a scheduled monument.

3.3 It is concluded that the proposal constitutes permitted development, pursuant to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Part M.1.

3.4 Compliance with Paragraph M.2

3.5 Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

a) transport and highways impacts of development;

The Council has considered the highways impacts of the change of use and whether to seek appropriate mitigation measures to mediate against any highways impacts. The provision of any parking permits to future occupants would put pressure on the availability of on-street parking in the vicinity of the site and have associated traffic impacts with vehicles searching for spaces. As such, the proposal is considered likely to have a material impact on the character of traffic in the vicinity of the site and prior approval of the Council is considered to be necessary. Subject to a Section 106 Legal Agreement designating the development as 'car-free', the proposal is considered to have an acceptable impact in this regard.

Ordinarily, 1 cycle parking space should be provided for a 1-bed unit. However, the constraints of the application site do not allow for this. The proposal is therefore considered to be acceptable in this regard also.

b) contamination risks in relation to the building;

The application site is not identified as being at risk from land contamination and the history of the building suggests that there have not been any potentially hazardous uses occupying the site for a considerable period of time. As such, the prior approval of Council with regard to contamination is not considered to be necessary.

c) flooding risks in relation to the building;

The site is not located in a local flood risk zone. The proposal is therefore considered to be acceptable in this regard.

d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use –

- (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or**
- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area; and**

The application site is located within the Kilburn Town Centre, as identified within the Camden Local Plan 2017, which sets out the Council's overall strategy for designated centres and

associated uses.

The application site does not form part of a designated Core or Secondary Frontage. West End Lane (in the vicinity of the application site, at its western end) leads away from Kilburn High Road (the main shopping street) and it includes a few small commercial units (at the time of the officer's site visit these included an estate agents (the host site), a nail salon, and a taxi cab office).

The adjacent property No. 1 West End Lane applied for prior approval for change of use of the ground floor from Class A1 (retail) to Class C3 (residential) to provide a self-contained studio flat in application ref. 2015/5472/P. Prior approval was granted on 18/11/2015, but it is unclear whether this change of use has been implemented.

It is not considered that the proposal would detrimentally impact on adequate provision of Class A2 (financial and professional services) units within the town centre and neither is it considered that the proposal would cause harm to the sustainability of Kilburn Town Centre as a shopping destination. As such, the proposal is considered to comply in this regard.

e) the design or external appearance of the building.

Class M. (b) allows for building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule. The proposal involves changes to the fenestration design at the front and the replacement of the glazed roof to the existing single storey rear extension including the installation of 2 x new rooflights; however, the proposed changes are minimal and reasonably necessary to convert the building to residential use. Therefore, no objection is raised in this regard.

Recommendation: Grant Prior Approval subject to a Section 106 Legal Agreement